

Notice of Allowability

Application No.

09/972,995

Examiner

Daniel M. Pasiewicz

Applicant(s)

SHIOMI ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 4/12/2006.
2. ☒ The allowed claim(s) is/are 1,3-9,11,13,15-17,26,27 and 29-33 (renumbered 1, 2-8, 9, 13, 10-12, 14, 17, 15, 16 and 18-20 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20060614</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/12/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

Response to Arguments

1. Applicant's arguments, see Pages 10-13 of the amendment, filed 4/12/2006, with respect to objection to the drawings, specification and IDS and rejection of **claims 1, 9, 11-13, 26, 27, 29 and 30** have been fully considered and are persuasive. The objections of the drawings, specification and IDS have been withdrawn in view of the Applicant's amendment and the rejection of **claims 1, 9, 11-13, 26, 27, 29 and 30** has been withdrawn in view of the Applicant's amendments as they are now in condition for allowance (see below for more detail).

Election/Restrictions

2. Claims 1 and 26 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 3-8, 17 and 33, directed to the species of 2 (Fig. 7), 3 (Fig. 8), 4 (Fig. 9), 8 (Fig. 14) and 9 (Fig. 15-16) no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

Art Unit: 2622

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Mark Williamson on 6/15/2006.

5. **The application has been amended as follows:**

- **Claim 16** line 2 stating, "the correction parameter is difference" should be replaced with "the correction parameter is a difference".
- **Claim 17** line 2 stating, "said determination unit" should be replaced with "said setting unit". Also, line 3 stating, "determined correlation when said determination unit is operated." should be replaced with "the set correction parameter when said setting unit is operated."
- **Claim 33** line 1 stating, "The method according to claim 26" should be replaced with "The method according to claim 30". Also, line 2 stating, "said determination step" should be replaced with "said setting step". And finally, line 3 stating, "determined correlation when said determination step is performed." Should be replaced with "the correction parameter when said setting step is performed."

Reasons For Allowance

6. **Claims 1, 3-9, 11, 13, 15-17, 26, 27 and 29-33 (now renumbered 1, 2-8, 9, 13, 10-12, 14, 17, 15, 16 and 18-20 respectively) are allowed.**

7. The following is an examiner's statement of reasons for allowance:

Art Unit: 2622

8. With respect to **claims 1 and 26** the prior art discloses an image sensing apparatus which is adapted to close a shutter and emit a light from a light source onto the image sensing device. The output of the image sensing device with the shutter closed is then used to correct the output of the image sensing device with the shutter open.

9. The prior art does not teach or fairly suggest that the image sensing device, having the output corrected by emitting light onto the image sensing device with the shutter closing the optical path of incoming light, is divided into a plurality of sections; the plurality of sections, which contain a plurality of pixels, having a plurality of output units; and that the correction is to correct level differences, owing to characteristics difference of said plurality of output units.

10. **Claims 3-9, 11, 13, 16, 17, 26, 27, 29, 31-33** are allowable for at least the reasons that they depend from **claims 1 and 26** which are allowable for the reasons disclosed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Pasiewicz whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571)272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

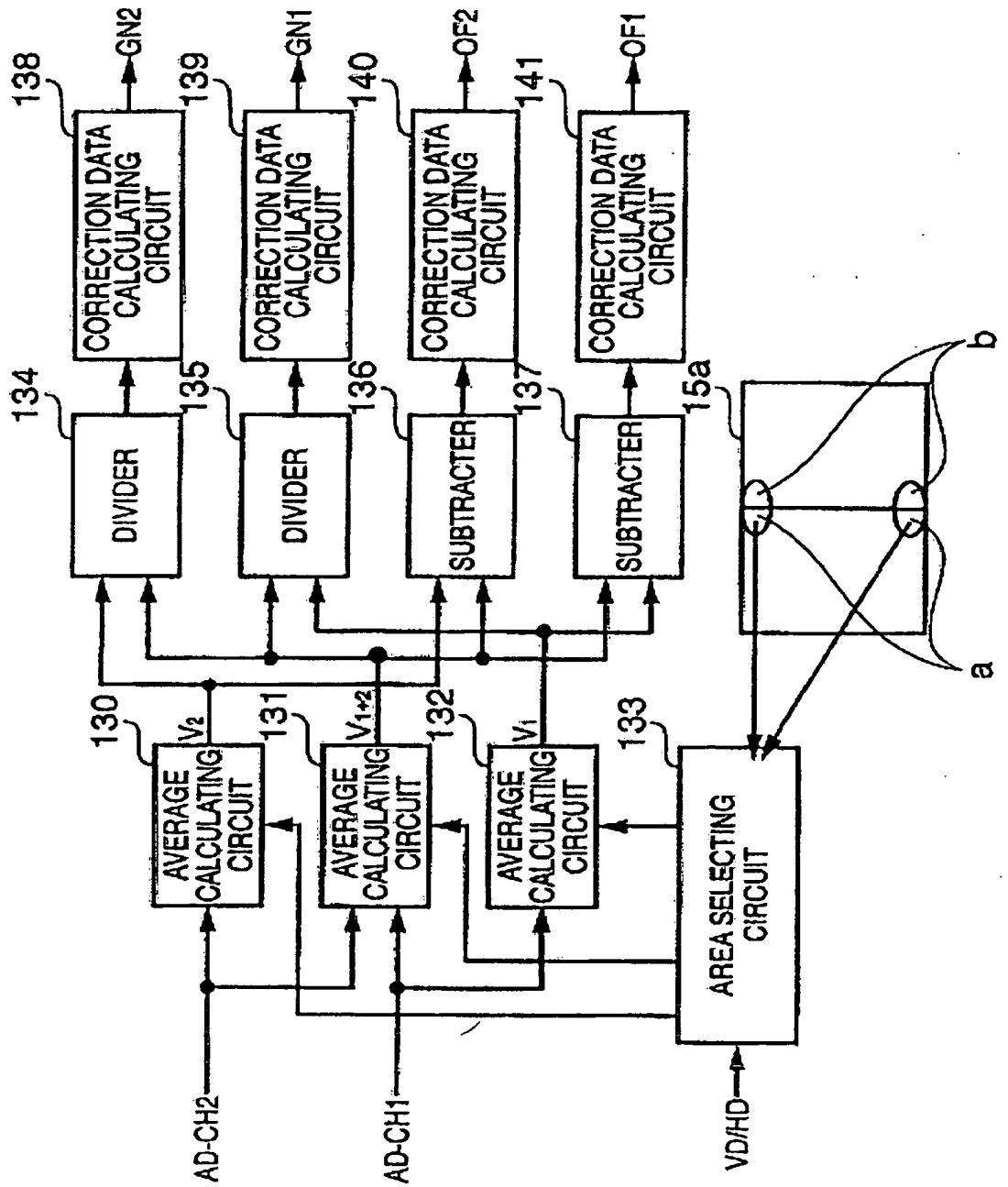
DMP
June 15, 2006


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER

Accepted
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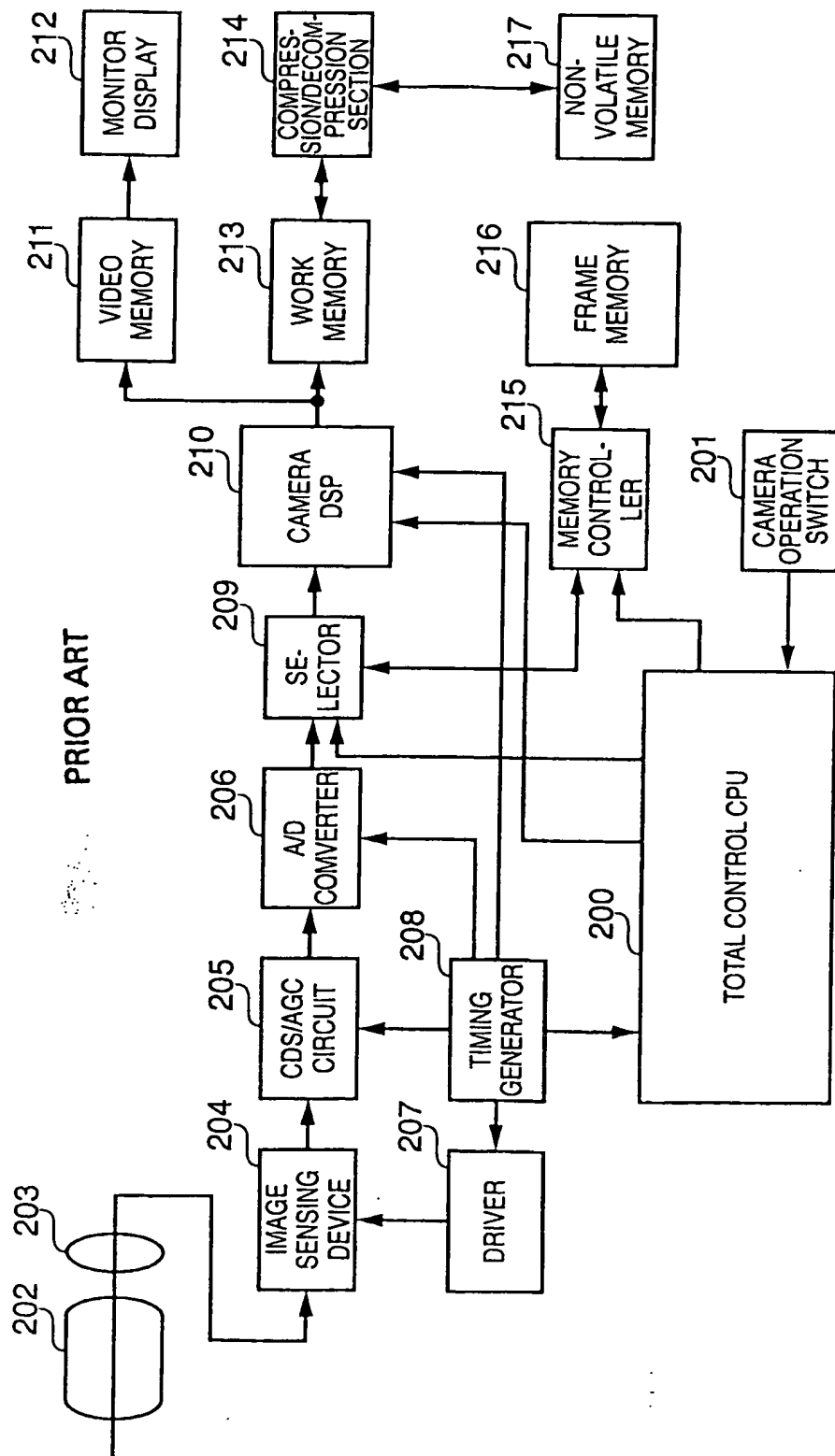
FIG. 6



17/18

FIG. 17

PRIOR ART



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FIG. 18

